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**KIARA ROBLES**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KIARA ROBLES, an individual  
Oakland, CA

Plaintiff,

v.

IN THE NAME OF HUMANITY, WE REFUSE  
TO ACCEPT A FASCIST AMERICA (a.k.a.  
ANTIFA)  
San Francisco, CA

and

IAN DABNEY MILLER, an individual and  
member of ANTIFA  
Oakland, CA

and

RAHA MIRABDAL a.k.a. Shadi Banoo, an  
individual and member of ANTIFA  
Berkeley, CA

and

JANET NAPOLITANO, in her individual capacity  
Oakland, CA

and

Case No.: 17-4864

**AMENDED COMPLAINT**

**DEMAND FOR JURY TRIAL**

1 NICHOLAS DIRKS, in his individual capacity  
Berkeley, CA

2 and

3  
4 UNIVERSITY OF CALIFORNIA POLICE  
DEPARTMENT  
5 Berkeley, CA

6 and

7 CITY OF BERKELEY  
Berkeley, CA

8 and

9  
10 JOHN DOES 1-20, et al.

11 Defendants.

12  
13 **I. INTRODUCTION**

14 Plaintiff Kiara Robles (“Plaintiff” and/or “Robles”) brings this complaint against Defendant  
15 In the Name of Humanity, We REFUSE to Accept a Fascist America (“ANTIFA”), Defendant Ian  
16 Dabney Miller (“Miller”), Defendant Raha Mirabdal (“Mirabdal”), Defendant Janet Napolitano  
17 (“Napolitano”), Defendants Nicholas Dirks (“Dirks”), Defendant University of California Police  
18 Department (“UCPD”), Defendant City of Berkeley (“Berkeley Police Department” or “BPD”)<sup>1</sup>,  
19 and Defendant John Does 1-10. (collectively, “Defendants”, unless individually named).

20 ANTIFA, through its members Mirabdal, Miller, and Does 1-20, Defendants Napolitano  
21 and Dirks (the “Individual Regents Defendants”), have acted to unconstitutionally curtail the First  
22 Amendment rights of its students and invitees thereof. Acting in concert with ANTIFA, the  
23 Individual Regents Defendants - along with each and every other named Defendant - have  
24 subjected UC Berkeley students and invitees who do not subscribe to the radical, left wing  
25 philosophies sanctioned by Defendants to severe violence and bodily harm for merely expressing a  
26 differing viewpoint and sexual preference, in clear contravention of their rights under the First

27  
28 <sup>1</sup> City of Berkeley is being sued for the actions of the Berkeley Police Department

1 Amendment to the U.S. Constitution. Members of ANTIFA, including Miller, Mirabdal and Does  
2 1-20, assaulted and battered Plaintiff Robles, putting her in fear of her life and grave bodily injury.

3 Plaintiff Robles is a resident of Oakland, California. On February 1, 2017, Plaintiff Robles  
4 planned to attend a speech by Milo Yiannopoulos, a media personality and political commentator,  
5 hosted on the UC Berkeley campus. On the day of Milo Yiannopoulos' speech, however, over  
6 1,500 "protestors" gathered at UC Berkeley's Sproul Plaza and the "protestors" erupted into  
7 violence just fifteen minutes after Plaintiff Robles' arrival onto the UC Berkeley campus. The  
8 violence was orchestrated by ANTIFA and its members, in an effort to disrupt the Milo  
9 Yiannopoulos event. Several people, including Plaintiff Robles, were intentionally and violently  
10 attacked by both masked and unmasked defendant assailants, including Miller and Mirabdal, and  
11 the UC Berkeley campus incurred over \$100,000 worth of damage. Plaintiff Robles was attacked  
12 with extremely painful pepper spray and bear mace by masked assailants amongst the "protestors"  
13 because she chose to exercise her right to freedom of speech and show support for the planned  
14 speaker, Milo Yiannopoulos.



25 At the time that Plaintiff Robles was attacked, despite the fact that the "protestors" had  
26 erupted into violence, there was shockingly no campus police present near Plaintiff Robles.  
27 Instead, nearly 100 campus police and SWAT members waited in the Student Union building,  
28 within eyesight of the violence happening outside, watching the protestors become more belligerent

1 and dangerous.



12 Thus, the attackers escaped and there was no one to immediately aid Plaintiff Robles after  
 13 she was intentionally and violently sprayed in the face with bear mace. It was the intentional and  
 14 conscious decision and direction of the Regents—in concert with each and every named Defendant,  
 15 jointly and severally—to withhold effective police protection for politically conservative attendees  
 16 of the Milo Yiannopoulos event. Furthermore, Defendants—acting in concert, jointly and  
 17 severally—chose to withhold police protection at the Milo Yiannopolous event because Milo  
 18 Yiannopolous and a large number of his supporters, including Plaintiff Robles, are gay.

19 ANTIFA is a radical American, left wing, anti-Trump, non-profit organization that  
 20 organizes demonstrations to achieve its political agenda.<sup>2</sup> ANTIFA is known for using violence and  
 21 inciting violence to achieve their objectives. Recently, a petition to label ANTIFA as a terrorist  
 22 organization reached 146,000 signatures.<sup>3</sup> The twitter account for San Francisco ANTIFA has  
 23 made such statements as, “There’s no better feeling than an #Antifa comrade helping you sucker  
 24 punch people because doing it one on one can be scary!”<sup>4</sup> and “The Nazis found our comrade who

25 <sup>2</sup> Rick Moran, *Soros-Funded Group Gave 50K to Goons Who Provoked Berkeley Riot*, PJ Media, February 4,  
 26 2017, available at: <https://pjmedia.com/trending/2017/02/04/soros-funded-group-gave-50k-to-goons-who-provoked-berkeley-riot/>.

27 <sup>3</sup> *Petition to Label Antifa Terror Group Has 146,000 Signatures So Far*, Fox News Insider, April 21, 2017,  
 28 available at: <http://insider.foxnews.com/2017/08/21/petition-label-antifa-terror-group-has-146000-signatures>.

<sup>4</sup> @SFAntifa “There’s no better feeling than an #Antifa comrade helping you sucker punch people because doing

hit a Trump supporter in the head with a U-lock”<sup>5</sup>, referring to an incident where an ANTIFA protestor was charged with assault with a deadly weapon at a Berkeley free speech rally. The San Francisco ANTIFA twitter account has also retweeted videos of ANTIFA members throwing explosives<sup>6</sup> and violently kicking public property<sup>7</sup> during a Berkeley protest. ANTIFA organized the shut down of the Milo Yiannopoulos event, calling for its members to use “righteous” violence against “fascist” Yiannopoulos.<sup>8</sup> After the UC Berkeley riot, ANTIFA commented on its website that it supported the violence that occurred, stating, “[f]or all these reasons what happened at UC Berkeley is part of the kind of broad, powerful and meaningful protest which needs to continue on an unprecedented scale to OUST this regime from power.”<sup>9</sup> ANTIFA is responsible for the orchestration of the riots that occurred during the Milo Yiannopoulos event<sup>10</sup> and ANTIFA members appeared at the protest to assault peaceful pro-President Trump/pro-Milo Yiannopoulos supporters and vandalize UC Berkeley and private property.

UC Berkeley regularly provides police protection for politically charged events and protests on its campus without incident. But on this day, the Individual Regents Defendants—in concert with each and every named Defendant, jointly and severally—willfully withheld their police manpower from protecting students and event attendees because the speaker and his supporters

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it one on one can be scary!” Twitter, June 16, 2017, 10:54 AM., <https://twitter.com/SFAntifa/status/875773489638031361>.

<sup>5</sup> @SFAntifa “The Nazis found our comrade who hit a Trump supporter in the head with a U-lock. [https://myspace.com/ericclanton/photos ...](https://myspace.com/ericclanton/photos...) plz don't share.” Twitter, April 19, 2017, 9:03 PM., <https://twitter.com/SFAntifa/status/854908432922558464>.

<sup>6</sup> @SFAntifa “Slow Motion Version of Antifa throwing explosive at Berkeley. Don't share this or it could ruin Antifa's good name.” Twitter, April 21, 2017, 9:14 AM., <https://twitter.com/BevHillsAntifa/status/855454648475410435>.

<sup>7</sup> @SFAntifa “Pre peaceful #Antifa leg stretches before we peacefully protest at #Berkeley!” Twitter, May 4, 2017, 10:30 AM., <https://twitter.com/walstreetAntifa/status/860184979975700480>

<sup>8</sup> *Id.*

<sup>9</sup> *Three Points on the Righteous Shut-Down of Fascist Milo Yiannopoulos at UC Berkeley*, Refuse Fascism, February 2, 2017, available at: <https://refusefascism.org/2017/02/02/three-points-on-the-righteous-shut-down-of-fascist-milo-yiannopoulos-at-uc-berkeley/>.

<sup>10</sup> Chuck Ross, *Look Who Funds The Group Behind The Call To Arms At Milo's Berkeley Event*, The Daily Caller, February 3, 2017, available at: <http://dailycaller.com/2017/02/03/look-who-funds-the-group-behind-the-call-to-arms-at-milos-berkeley-event/>.

1 went against the political beliefs of the majority of UC Berkeley’s students and its administration.<sup>11</sup>  
 2 Furthermore, the Individual Regents Defendants— in concert with each and every named  
 3 Defendant, jointly and severally— also intentionally withheld proper security for the Milo  
 4 Yiannopoulos event because Milo Yiannopoulos himself is gay and a large number of his  
 5 supporters identify as gay. The Individual Regents Defendants—in concert with each and every  
 6 named Defendant, jointly and severally—acting under color of state law, intentionally  
 7 discriminated against Plaintiff Robles as a gay individual and a female individual—a member of an  
 8 identifiable class— in violation of Plaintiff Robles’ constitutional rights. In doing so, the Individual  
 9 Regents Defendants—in concert with each and every named Defendant, jointly and severally—  
 10 failed to enforce UC Berkeley’s Non-Discrimination Policy, which prohibits sexual orientation  
 11 discrimination of individuals and discrimination based on gender while they are on University  
 12 property.<sup>12</sup>

13 Indeed, students at UC Berkeley who, like Plaintiff Robles, happen to possess conservative  
 14 viewpoints have regularly been targeted, and the Regents regularly “turn a blind eye” to such  
 15 unconstitutional conduct. One individual articulated that, “[p]eople feel like Republicans don’t  
 16 have a home here, and it’s a little bit intimidating to have people walk by and want to yell at you or  
 17 denounce your beliefs, simply because you’re sitting out there identifying as a Republican [...] there’s a complete lack of tolerance for an idea that any member of the Berkeley community could  
 18 hold the beliefs that we do”.<sup>13</sup> Republican students receive online threats and hear from other  
 19 students that “[t]hey’re going to come after us, we don’t belong on this campus, we don’t have a  
 20 place on this campus.”<sup>14</sup> Specifically, choosing to openly support President Trump “kind of puts a  
 21  
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23 <sup>11</sup> Ian Hanchett, *CNN Report: Berkeley Republicans Insulted for Supporting Trump, Campus ‘Uncomfortable’*  
 24 *With Dissenting Opinions*, Breitbart, September 7, 2016, available at:  
 25 <http://www.breitbart.com/video/2016/09/07/cnn-report-berkeley-republicans-insulted-for-supporting-trump-campus-uncomfortable-with-dissenting-opinions/>.

26 <sup>12</sup> UC Berkeley Nondiscrimination Policy Statement—Student related matters, available at:  
 27 <http://sa.berkeley.edu/nondiscrimination>; University of California Policy Policies Applying to Campus Activities,  
 28 Organizations and Students 10.00: Preamble and General Provisions, available at:  
<http://policy.ucop.edu/doc/2710517/PACAOS-10>.

<sup>13</sup> Hanchett, *supra* note 1

<sup>14</sup> *Id.*



target on your head.”<sup>15</sup> A majority of the Berkeley College Republicans, the school group that organized the Milo Yiannopoulos event, feel “reluctant to share their political beliefs on campus.”<sup>16</sup> CNN anchor Kyung Lah noted “[t]he irony runs thick to these students, a place that forged free speech on campus, uncomfortable with political speech with which they disagree.”<sup>17</sup>

Furthermore, during a meeting of the Berkeley College Republicans in 2016, a group of protestors confronted their club table and “proceeded to snatch and attempt to rip up [their] Donald Trump cut-out [...] the group of protestors then circled [them] and began yelling slurs at [them] in reference to Donald Trump. Slurs such as ‘racists,’ ‘bigots,’ and ‘pieces of shit’ were yelled out by the protestors”<sup>18</sup> A Berkeley College Republican member was physically assaulted by a protestor while attempting to film the incident.<sup>19</sup> Witnesses to the event complained that the campus police officers on the scene were otherwise unhelpful, saying that they merely “sat around” while the group was attacked.<sup>20</sup> The student that destroyed the cutout of President Trump boasted “yeah I did it [...] it will happen again [...] there’s just four of you all [College Republicans] and we will come back with 1,000 of us.”<sup>21</sup> The offending student admitted this in front of campus police but no action was taken against him.<sup>22</sup> The sentiment among the Berkeley College Republicans is that if they had done the same to other political clubs, “there is no doubt that we would have been escorted off campus, but nothing will happen to the people who interrupted us today.”<sup>23</sup> After the incident, one Berkeley College Republican member said, “I now know that UC Berkeley—the birthplace of the Free Speech Movement—is not a place I can safely exercise my constitutionally protected right to free speech.”<sup>24</sup> UC Berkeley clearly gives preferential treatment and protection to

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Stephen Frank, *UC Administrators Allow Violence Against Republicans on UC Berkeley Campus*, California Political Review, September 9, 2016, available at: <http://www.capoliticalreview.com/capoliticalnewsandviews/uc-administrators-allow-violence-against-republicans-on-uc-berkeley-campus/>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

1 those students and student organizations that represent political ideals that fall in line with those  
 2 held by its own liberal administration, including but not limited to Defendants. The Regents'  
 3 intentional and conscious decision to withhold effective police protection for Pro-Republican  
 4 attendees of the Milo Yiannopoulos—in concert with each and every named Defendant, jointly and  
 5 severally— reflects their bias and put its students and invitees in grave danger.

6 UC Berkeley is no stranger to incidents of violent protest and was required to provide  
 7 effective police protection in anticipation of the high probability that the Milo Yiannopoulos protest  
 8 would lead to dangerous physical altercations. In fact, one of the most famous violent student  
 9 protests in U.S. history took place at UC Berkeley's campus. On May 15, 1969, over 3,000  
 10 students protested at UC Berkeley over city plans to turn a vacant lot near campus into a parking  
 11 lot. On that day, known as Bloody Thursday, three students suffered punctured lungs, another a  
 12 shattered leg, several people were hospitalized with shotgun wounds, and one police officer was  
 13 stabbed.<sup>25</sup> At least 128 Berkeley residents were admitted to local hospitals for injuries sustained  
 14 during the riot.<sup>26</sup> Alan Blanchard was permanently blinded by a gunshot wound to his face.<sup>27</sup> James  
 15 Rector, who was watching the riot from a rooftop, was shot by police gunfire; he died four days  
 16 later.<sup>28</sup> A state of emergency was declared by the governor and the late President Ronald Reagan  
 17 and 2,200 National Guard troops were sent in to restore order.<sup>29</sup> Over the next several days, police  
 18 and troops arrested nearly 1,000 people, including 200 for felonies, while 500 were booked at the  
 19 local jail.<sup>30</sup> More recently, in 2011, violence erupted between campus police and students that  
 20 gathered in UC Berkeley's Sproul Plaza to protest for the Occupy movement<sup>31</sup>. UC Berkeley

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 22 <sup>25</sup> Chris Enloe, *See how Ronald Reagan shut down violent UC Berkeley protesters in 1969 when he was Calif.*  
 23 *Governor*, The Blaze, Feb. 5, 2017, available at: <http://www.theblaze.com/news/2017/02/05/see-how-ronald-reagan-shut-down-violent-uc-berkeley-protesters-in-1969-when-he-was-calif-governor/>

24 <sup>26</sup> *People's Park (Berkeley)*, Wikipedia, available at  
[https://en.wikipedia.org/wiki/People's\\_Park\\_\(Berkeley\)#cite\\_note-time1970-24](https://en.wikipedia.org/wiki/People's_Park_(Berkeley)#cite_note-time1970-24)

25 <sup>27</sup> *Id.*

26 <sup>28</sup> Chris Enloe *supra* note 23.

27 <sup>29</sup> *Id.*

28 <sup>30</sup> *Id.*

27 <sup>31</sup> Carly Schwartz, *Occupy U.C. Berkeley Protesters Face Violent Confrontation With Campus Police*, The  
 28 Huffington Post, January 10, 2011, available at: [http://www.huffingtonpost.com/2011/11/10/occupy-uc-berkeley-police\\_n\\_1086195.html](http://www.huffingtonpost.com/2011/11/10/occupy-uc-berkeley-police_n_1086195.html).



1 students have a history in participating in some of the city's worst riots and violent protests—  
2 among them, the 2014 protest of the death of Eric Garner, which resulted in looting, vandalism,  
3 arson, and assault on Berkeley police officers.<sup>32</sup>

4 Thus, the Individual Regents Defendants, UCPD, and BPD should have been fully  
5 prepared for violence to break out at the Milo Yiannopoulos event. In fact, two weeks before the  
6 UC Berkeley riot, a man was shot outside a University of Washington hall prior to another planned  
7 Milo Yiannopoulos speaking engagement.<sup>33</sup> As was true at the UC Berkeley event, masked  
8 protestors in Washington threw bricks at police and were armed with weapons, which they used to  
9 assault members of the crowd.<sup>34</sup> Another planned speaking engagement by Milo Yiannopoulos at  
10 UC Berkeley's sister school, UC Davis, was cancelled after school groups and university police  
11 determined that it was unsafe to continue the event amidst the chaotic protests that broke out.<sup>35</sup>  
12 Defendants knew for weeks that Yiannopoulos' appearance could prompt violent protests that  
13 would threaten the school's long tradition of facilitating free speech. Defendants should have  
14 reasonably anticipated a violent response to Milo Yiannopoulos' presence on their campus and  
15 acted accordingly by providing effective police protection to those attending the event. The  
16 school's inaction was motivated by the fact that Milo Yiannopoulos and his supporters have  
17 opposing viewpoints to the majority of the school's students and administration. Nicholas Dirks,  
18 the former Chancellor of UC Berkeley, has called Milo Yiannopoulos "a troll and provocateur who  
19 uses odious behavior in part to 'entertain,' but also to deflect any serious engagement with ideas."<sup>36</sup>  
20  
21

22 <sup>32</sup> Jessie Lau and Melissa Wen, *Police fire tear gas at hundreds of protesters, demonstration disperses at about*  
23 *3 a.m.*, December 7, 2014, available at: [http://www.dailycal.org/2014/12/07/police-fire-tear-gas-protesters-berkeley-](http://www.dailycal.org/2014/12/07/police-fire-tear-gas-protesters-berkeley-demonstration-disperses-3-m/)  
*demonstration-disperses-3-m/*.

24 <sup>33</sup> Rick Anderson, *Man shot before Breitbart editor Milo Yiannopoulos' speaking event is in critical condition*,  
Los Angeles Times, January 21, 2017, available at: [http://www.latimes.com/nation/la-na-yiannopoulos-shooting-](http://www.latimes.com/nation/la-na-yiannopoulos-shooting-20170121-story.html)  
*20170121-story.html*.

25 <sup>34</sup> *Id.*

26 <sup>35</sup> Ben Poston and Shelby Grad, *UC protests shut down Milo Yiannopoulos talk, sparking free speech debate*,  
Los Angeles Times, January 15, 2017, available at: [http://www.latimes.com/local/lanow/la-me-milo-yiannopoulos-](http://www.latimes.com/local/lanow/la-me-milo-yiannopoulos-uc-davis-20170115-story.html)  
*uc-davis-20170115-story.html*.

27 <sup>36</sup> Patrick May, *UC Berkeley riot raises questions about free speech*, The Mercury News, February 2, 2017,  
28 available at: <http://www.mercurynews.com/2017/02/02/uc-berkeley-riot-raise-questions-about-free-speech/>.

Furthermore, given the current political climate in the United States, the Individual Regents Defendants, UCPD, and BPD should have foreseen that the protest of a controversial Republican political figure such as Milo Yiannopoulos could likely turn violent. Since the 2016 presidential election, there have been several incidents where President Trump supporters have been the target of vicious protestors. Recently, in Seattle, Washington, furthered by the actions of President Obama, his surrogates, agents and co-conspirators, a Black Lives Matter activist ranted to a large crowd gathered in protest of President Trump's Executive Order Enhancing Public Safety in the Interior of the United States, explicitly saying that "...**we need to start killing people.**"<sup>37</sup> She went on to expressly threaten and incite death to President Donald Trump, saying, "**First off, we need to start killing the White House. The White House must die.** The White House, your fucking White House, your fucking Presidents, they must go! Fuck the White House."<sup>38</sup> Recently, protests have taken place at U.S. airports after President Trump issued his recent Executive Order Enhancing Public Safety in the Interior of the United States. There have been other instances where President Trump supporters were violently attacked by those protesting the president's policies.<sup>39</sup>

The Individual Regents Defendants, UCPD, and BPD could have easily foreseen that an event where Milo Yiannopoulos was scheduled to speak would draw a large vehement crowd of protestors that had strong opposing opinions to the groups present at that speech. Based on the recent frequency of violence associated with political protest in the United States, Defendants the Regents, UCPD, and BPD, were, at a minimum, grossly negligent—if not **intentionally negligent**—by hiding behind glass windows in order to further the protestors' politically motivated agenda—in failing to provide effective police protection for the crowds present at one of their own events. The Individual Regents Defendants, UCPD, and BPD's actions were a callous and blatant disregard for the safety of the crowd that came to hear Milo Yiannopolous speak.

<sup>37</sup> Justin Caruso, *BLM Anti-Trump Protest in Seattle: 'We Need to Start Killing People'*, Daily Caller, Jan. 30, 2017, available at: <http://dailycaller.com/2017/01/30/blm-anti-trump-protest-in-seattle-we-need-to-start-killing-people/>.

<sup>38</sup> *Id.*

<sup>39</sup> Stephens, Chase, *Video Shows Trump Supporter Knocked Out And Taunted By Violent Portland Airport Protesters*, available at: <http://www.dailywire.com/news/12947/video-shows-trump-supporter-knocked-out-and-chase-stephens#>.

Defendant the Regents have carried out a pattern and practice of denying the First Amendment rights of students and invitees who share a different viewpoint from their own radical, leftist views.

Thus, although Sproul Plaza was the birthplace of what came to be known as the Free Speech Movement in 1964, regrettably, in 2017 it has become “its final resting place.”<sup>40</sup>

## II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 (Federal Question Jurisdiction).

2. This Court has supplemental jurisdiction over this case pursuant to 28 U.S.C. § 1367.

3. Venue is proper pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391(b)(2), (3) in that Defendants reside here and are subject to personal jurisdiction in this District.

## III. PARTIES

4. Plaintiff Kiara Robles (“Plaintiff Robles”) is an individual, a natural person, who at all material times was a citizen and resident of California.

5. Defendant Napolitano was, at all relevant times, the President of the University of California, and is being sued in her individual capacity.

6. Defendant Dirks was, at all relevant times, the Chancellor of UC Berkeley, and is being sued in his individual capacity.

7. At all relevant times, Defendants the University of California Police Department and Berkeley Police Department have been and are now empowered by the Defendant the Regents to implement the policies that govern the conduct of persons affected and utilizing the University of California, Berkeley, Irvine, San Diego, Los Angeles, and other campuses.

8. At all relevant times, Defendants the University of California Police Department and Berkeley Police Department have been and are now the agent or employee of Defendant the Regents and each was acting within the course and scope of such agency or employment.

<sup>40</sup> Martin Longman, *UC Berkeley and the Frayed Free Speech Movement*, Washington Monthly, February 2, 2017, available at: <http://washingtonmonthly.com/2017/02/02/uc-berkeley-and-the-frayed-free-speech-movement/>.

9. Defendant University of California Police Department (“UCPD”) is organized under the laws of the State of California, and entrusted with the responsibility of providing safety to students and invitees. UCPD is an organization acting under state authority, as the term is utilized in 42 U.S.C. § 1983, which classifies Civil Actions for Deprivation of Rights.

10. Defendant City of Berkeley (“Berkeley Police Department” or “BPD”) is organized under the laws of the State of California, and entrusted with the responsibility of providing public safety. BPD is an organization acting under state authority, as the term is utilized in 42 U.S.C. § 1983, which classifies Civil Actions for Deprivation of Rights.

11. Defendant In the Name of Humanity, We REFUSE to Accept a Fascist America (“ANTIFA”) is a radical American, left wing, anti-Trump, non-profit organization funded by George Soros that organizes demonstrations and litigation to achieve its political agenda.

12. Defendant Ian Dabney Miller (“Miller”) is a former (and possibly current) UC Berkeley employee that protested the UC Berkeley Milo Yiannopolous event. On information and belief, Defendant Miller is a member of the non-profit organization ANTIFA. He is being sued in his personal capacity and in his official capacity, where applicable.

13. Defendant Raha Mirabdal (“Mirabdal”) is a former UC Davis employee that protested the UC Berkeley Milo Yiannopolous event. On information and belief, Defendant Mirabdal is a member of the non-profit organization ANTIFA. She is being sued in her personal capacity.

#### IV. STANDING

14. Plaintiff Robles has standing to bring this action because she has been directly affected and victimized by the unlawful conduct complained herein. Her injuries are proximately related to the conduct of Defendants, jointly and severally.

#### V. FACTS

##### **Defendants Worked in Concert to Deprive Plaintiff of Her First Amendment Rights**

15. Defendants—in concert with each and every named Defendant, jointly and severally—have worked in concert to deny numerous individuals who attended the Milo

Yiannopolous event, including Plaintiff Robles, their constitutional right to freedom of speech and freedom of assembly, as guaranteed by the First Amendment to the U.S. Constitution.

16. The Individual Regents Defendants, in their individual capacity, in furtherance of their own political and other beliefs, abused their authority under state law to intentionally withhold police protection of the UCPD and BPD for Plaintiff Robles, despite the fact that it was, at a minimum, reasonably foreseeable that the Milo Yiannopolous event would erupt in violence from “protestors.”

17. ANTIFA is known for using violence and inciting violence to achieve their objectives.

18. ANTIFA has threatened, encouraged violence, and committed violent acts against Plaintiff Robles and other peaceful protestors like her that share political views that ANTIFA does not agree with.

19. The twitter account for San Francisco ANTIFA has made such statements as, “There’s no better feeling than an #Antifa comrade helping you sucker punch people because doing it one on one can be scary!”<sup>41</sup> and “The Nazis found our comrade who hit a Trump supporter in the head with a U-lock”<sup>42</sup>, referring to an incident where an ANTIFA protestor was charged with assault with a deadly weapon at a Berkeley free speech rally .

20. The San Francisco ANTIFA twitter account has also retweeted videos of ANTIFA members throwing explosives<sup>43</sup> and violently kicking public property<sup>44</sup> during a Berkeley protest.

21. Defendants ANTIFA, Mirabdal, Miller, and Does 1-20 (“ANTIFA Defendants”) organized, plotted, planned, and executed the violent shutdown of the Milo Yiannopoulos event. Members of ANTIFA, including Defendants Miller and Mirabdal rioted at the Milo Yiannopolous event and viciously attacked attendees, including Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as Plaintiff Kiara Robles’. On information and belief, ANTIFA

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<sup>41</sup> @SFAntifa, *supra* note 2.

<sup>42</sup> @SFAntifa, *supra* note 3.

<sup>43</sup> @SFAntifa, *supra* note 4.

<sup>44</sup> @SFAntifa, *supra* note 5.

1 acted under the direction of, and in concert with, each and every named Defendant jointly and  
2 severally.

3 22. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for  
4 each others' actions, as they were all performed in concert, and as part of their conspiracy to  
5 violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray  
6 and bear mace, flag poles, signs, and flashlights.

7 23. Therefore, the acts of Does 1-20, the Defendants who used pepper spray and bear  
8 mace on Plaintiff Robles must be imputed to each and every one of the other ANTIFA Defendants  
9 who planned and carried out the violent protest in concert, and as part of one concerted attack, with  
10 each of the ANTIFA Defendants having an agreed role in the attack.

11 24. Therefore, the acts of Miller, the Defendant who flag poles on Plaintiff Robles must  
12 be imputed to each and every one of the other ANTIFA Defendants who planned and carried out  
13 the violent protest in concert, and as part of one concerted attack, with each of the ANTIFA  
14 Defendants having an agreed role in the attack.

15 25. Therefore, the acts of Mirabdal, the Defendant who used a flashlight on Plaintiff  
16 Robles must be imputed to each and every one of the other ANTIFA Defendants who planned and  
17 carried out the violent protest in concert, and as part of one concerted attack, with each of the  
18 ANTIFA Defendants having an agreed role in the attack.

19 26. ANTIFA receives funds from umbrella companies and subsidiaries of Soros' Open  
20 Society Foundation, a network of foundations, partners, and projects that funds Soros' political  
21 interests.

22 27. The group ANTIFA is sponsored by Alliance for Global Justice ("AGJ").<sup>45</sup> Soros is  
23 a major backer of AGJ, as AGJ receives grants from Soros' foundation, the Open Society  
24  
25  
26  
27

28 <sup>45</sup> <https://refusefascism.org/donate/>



Institute.<sup>46</sup> In addition, the Tides Foundation, a non-profit funded by Soros, contributes money to AGJ.<sup>47</sup>

28. UCPD and BPD chose to withhold their aid to attendees of the Milo Yiannopolous event—in concert with each and every named Defendant, jointly and severally—including Plaintiff Robles, despite the fact that they could see attendees being viciously attacked by “protestors.” During the Milo Yiannopoulos riots, UC Berkeley police and the Berkeley Police Department did not to intervene while pro-President Trump/pro-Milo Yiannopolous supporters were being violently attacked.<sup>48</sup>

29. As a result of each and every Defendants’ conduct, Plaintiff Robles was deprived of her constitutional right to freedom of speech and freedom of assembly in support of Milo Yiannopolous and discriminated against based on sex and sexual preference.

**Defendants Reasonably Foresaw That Violence Would Erupt at the**  
**Milo Yiannopolous Event**

30. The Individual Regents Defendants, at a minimum, reasonably foresaw that violence would erupt at the Milo Yiannopolous event, as UC Berkeley is no stranger to violent protest.

31. For instance, on May 15, 1969, known as “Bloody Thursday”, UC Berkeley was home to one of the most violent student protests in U.S. History.<sup>49</sup> At least 128 Berkeley residents were hospitalized for injuries sustained during the riot. Among the injuries were a police officer suffering a stab wound, an individual being permanently blinded, and another individual being killed.

32. In 2011, violence erupted in UC Berkeley between campus police and students that gathered in UC Berkeley’s Sproul Plaza to protest for the Occupy movement.<sup>50</sup>

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<sup>46</sup> *The Alliance for Global Justice*, Group Snoop, available at: <http://www.groupsnoop.org/The+Alliance+for+Global+Justice>.

<sup>47</sup> Chuck Ross, *supra* note 8.

<sup>48</sup> *Id.*

<sup>49</sup> Chris Enloe, *supra* note 15.

<sup>50</sup> Carly Schwartz, *supra* note 29.

33. UC Berkeley students further have a history of participating in some of the city's worst riots and violent protests—among them, the 2014 protest of the death of Eric Garner, which resulted in looting, vandalism, arson, and assault on Berkeley police officers.<sup>51</sup>

34. Yet, UC Berkeley has hosted countless politically-charged rallies and protests in the past, and the Regents have provided effective police presence without incident.

35. UC Berkeley's Republicans have reported harassment and assaults by other UC Berkeley students with differing political opinions.<sup>52</sup>

36. For example, the UC Berkeley registered student organization, Berkeley College Republicans, have reported prior incidents where campus police officers merely "sat around" while the group was verbally and physically attacked.<sup>53</sup>

37. Given the current political climate in the United States, the Regents should have foreseen that the protest of a controversial conservative political figure such as Milo Yiannopoulos would likely turn violent.

38. Since the 2016 presidential election, there have been several incidents where President Trump supporters have been the target of vicious protestors.

39. Recently, in Seattle, a Black Lives Matter activist ranted to a large crowd gathered in protest of the Executive Order Enhancing Public Safety in the Interior of the United States, explicitly saying that "...**we need to start killing people.**"<sup>54</sup> She went on to expressly threaten and incite death to President Donald Trump, saying, "**First off, we need to start killing the White House. The White House must die.** The White House, your fucking White House, your fucking Presidents, they must go! Fuck the White House."<sup>55</sup>

40. Recently, there have been protests at U.S. airports where President Trump supporters were violently attacked by those protesting the President's immigration policies.<sup>56</sup>

<sup>51</sup> Jessie Lau and Melissa Wen, *supra* note 30.

<sup>52</sup> Stephen Frank, *supra* note 16.

<sup>53</sup> *Id.*

<sup>54</sup> Justin Caruso, *supra* note 35.

<sup>55</sup> *Id.*

<sup>56</sup> Chase Stephens, *supra* note 37.

41. Furthermore, the Individual Regents Defendants, UCPD and BPD should have been fully prepared for violence to break out at the Milo Yiannopoulos event based on assaults that have occurred at recent Milo Yiannopoulos speaking engagements.

42. On January 13, 2017, chaotic protests preceding a Milo Yiannopoulos speaking event at UC Davis led to the cancellation of the speech after school groups and university police determined that it was unsafe to continue the event.<sup>57</sup>

43. On January 20, 2017, a man was shot outside a University of Washington hall prior to another planned Milo Yiannopoulos speaking engagement.<sup>58</sup>

44. During the University of Washington event, masked protestors assaulted both police and civilians with weapons.<sup>59</sup>

45. Despite all of this, the Individual Regents Defendants, acting in their individual capacities, and in furtherance of their own personal political and other beliefs, abused their authority under state law to intentionally withhold police support—in concert with each and every named Defendant—at the Milo Yiannopoulos event that Plaintiff Robles attended, as Milo Yiannopoulos’s conservative viewpoint conflicts with the radical, leftist viewpoint shared by the Regents and the majority of the UC Berkeley student body and administration.

#### **Facts Pertaining Directly to Plaintiff Robles’ Injuries**

46. On February 1, 2017, Plaintiff Robles planned to attend a speech by Milo Yiannopoulos, a media personality and political commentator, hosted on UC Berkeley campus.

47. Mr. Yiannopoulos was invited to speak by the Berkeley College Republicans, which is a UC Berkeley Registered Student Organization (“RSO”).

48. Plaintiff Robles purchased a ticket to the event and the proceeds of the ticket sale went to the Berkeley College Republicans.

<sup>57</sup> Ben Poston and Shelby Grad, *supra* note 33.

<sup>58</sup> Rick Anderson, *supra* note 31.

<sup>59</sup> *Id.*

1           49. By purchasing a ticket to an event organized by a UC Berkeley RSO and approved  
2 by UC Berkeley, Plaintiff Robles became an invitee of UC Berkeley. Indeed, UC Berkeley, as the  
3 inviter, owed a duty to Plaintiff Robles to provide a safe premise for their event.

4           50. Over 1,500 “protestors, ” including Defendants Mirabdal, Miller, and Does 1-20  
5 (the “ANTIFA Defendants”), gathered at Sproul Plaza to picket the event. Several people were  
6 intentionally and violently attacked by both masked and unmasked assailants, and the UC Berkeley  
7 campus incurred over \$100,000 worth of damage.

8           51. The violence was orchestrated by Defendant ANTIFA and its members, in an effort  
9 to disrupt the Milo Yiannopolous event.

10          52. Plaintiff Robles was being interviewed by news station KGO-TV about her  
11 thoughts on freedom of speech versus “hate speech” when she was approached by several  
12 protestors that began to yell that she was a “fascist.” The “protestors” surrounded Plaintiff Robles  
13 combatively.

14          53. Soon thereafter, an unknown assailant, Doe 1, sprayed Plaintiff Robles in the face  
15 with painful pepper spray. Shortly after Plaintiff Robles was sprayed with pepper spray, Plaintiff  
16 Robles was again sprayed in the face by an unknown assailant, Doe 2, with bear mace, which  
17 contains a much higher concentration of harmful substances than standard pepper spray.

18          54. Doe 1 and Doe 2 were undoubtedly members of ANTIFA, and were acting in  
19 concert, jointly and severally, with Defendants Mirabdal and Miller.

20          55. Defendants Mirabdal and Miller knew that Does 1-2 were going to intentionally  
21 pepper spray and bear mace the Yiannopoulos supporters, including Plaintiff Robles, and they  
22 knowingly and willingly participated in the acted in concert, jointly and severally, with each and  
23 every Defendant, to execute carefully calculated a plan of attack to inflict maximum physical pain  
24 to Plaintiff Robles and the other Yiannopoulos supporters.

25          56. At the time of this attack, there were no police officers close enough to Plaintiff  
26 Robles to protect her from her assaulter. As a result, the attackers escaped and there was no one to  
27 immediately aid Plaintiff Robles.

28

57. Instead, witnesses saw nearly 100 police officers and SWAT officers waiting inside the Student Union Building while the attacks occurred, watching the protestors turn violent through a glass window.

58. UCPD and BPD could see the attacks occurring outside while they waited in the Student Union building, yet did not act to protect any of the victims, including Plaintiff Robles.

59. Soon after the first incident, Plaintiff Robles and others were again physically attacked by protestors. Miller and Does 1-20, struck Plaintiff Robles in the face and body with flagpoles until Plaintiff Robles was forced to escape by jumping over a metal barrier.

60. Defendants Mirabdal and Does 1-20 knew that Defendant Miller and others were going to intentionally beat Yiannopoulos supporters with flagpoles, including Plaintiff Robles, and they knowingly and willingly participated, in concert, jointly and severally, with each and every ANTIFA Defendant, to execute carefully calculated a plan of attack to inflict maximum physical pain to Plaintiff Robles and the other Yiannopoulos supporters.

61. Miller is a former, and possibly current, UC Berkeley employee.<sup>60</sup>

62. Miller is a member of a radical American, left wing, anti-Trump, non-profit organization funded by George Soros, ANTIFA, and carried out the battery on Plaintiff Robles at the direction of ANTIFA and in concert with each and every Defendant

63. Miller admitted that he was present at the Milo Yiannopoulos event in an interview with the New York Daily News.<sup>61</sup>

64. Miller wore a mask to hide his identity and wielded a wooden weapon during the Milo Yiannopoulos event.<sup>62</sup> He was identified later by the particular tattoos on his neck.<sup>63</sup>

65. On the day of the UC Berkeley riot, Miller boasted on his social media account that he physically beat Trump supporters at the Milo Yiannopoulos event.<sup>64</sup>

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<sup>60</sup> University of California Data Analysis - Browse UC Salary Data, available at: [http://ucpay.globl.org/index.php?campus=BERKELEY&name=MILLER+\\_+IAN+DABNEY](http://ucpay.globl.org/index.php?campus=BERKELEY&name=MILLER+_+IAN+DABNEY)

<sup>61</sup> Chris Sommerfeldt, *Violent protests at Berkeley college prompt cancellation of speech by right-wing writer Milo Yiannopoulos*, New York Daily News, February 2, 2017, available at: <http://www.nydailynews.com/news/national/protests-prompt-cancellation-calif-college-wing-event-article-1.2962069>.

<sup>62</sup> <https://twitter.com/chiIum/status/827655032665473024>

<sup>63</sup> *Id.*

66. Miller posted a photo of one his incapacitated victims on his social media account.<sup>65</sup>

67. Mirabdal was also present at the Milo Yiannopoulos event.<sup>66</sup>

68. Mirabdal is a member of the radical American, left wing, anti-Trump, non-profit organization funded by George Soros, ANTIFA, and carried out the assault on Plaintiff Robles at the direction of ANTIFA and in concert with each and every Defendant.

69. After Mirabdal and several unknown assailants, Does 1-20, surrounded Plaintiff Robles combatively, Mirabdal shined a flashlight aggressively in Plaintiff Robles' face, blinding Plaintiff Robles and placing her in fear and apprehension of harm.

70. Mirabdal was shining flashlights in Yiannopoulos supporters' eyes in order to incapacitate them, so that her fellow ANTIFA members, including Defendants Miller and Does 1-20, could physically assault Yiannopoulos supporters, including Plaintiff Robles, with pepper spray, bear mace, and flag poles.

71. Mirabdal further beat peaceful Milo Yiannopoulos supporters with a wooden sign post during the UC Berkeley riot.<sup>67</sup>

72. Once again, no police officers from either UCPD or BPD came to assist Plaintiff Robles, nor to apprehend Miller, Mirabdal, or any of her attackers.

73. As a direct and proximate result of the pepper spray, bear mace, and bright light all being directed at her eyes by the ANTIFA Defendants, Plaintiff Robles has suffered significant trauma and injury to her eyes.

74. As a direct and proximate result of being beaten with flagpoles by the ANTIFA Defendants, Plaintiff Robles suffered significant injuries to her body.

**Defendants Acted in Concert Because They Harbor Viewpoints Different from Milo Yiannopoulos and His Supporters**

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<sup>64</sup> Ethan Ralph, *FIRST ON TRR: A UC Berkeley Rioter Has Been Exposed, & He's a University Staff Member!*, The Ralph Retort, February 3, 2017, available at: <http://theralphretort.com/uc-berkeley-rioter-exposed-works-university-203017/>.

<sup>65</sup> *Id.*

<sup>66</sup> <https://pbs.twimg.com/media/C3vodrJWIAAYQ0h.jpg>

<sup>67</sup> <https://www.instagram.com/p/BQAFESPj1aM/>



75. The Individual Regents Defendants, acting in their individual capacity in furtherance of their own political and other beliefs, abused their authority under state law and intentionally withheld the police support of UCPD and BPD—in concert with each and every named Defendant, jointly and severally—from pro-President Trump/pro-Milo Yiannopoulos attendees at an event which it knew could likely become hostile and violent, because these pro-President Trump/pro-Milo Yiannopoulos attendees represented political beliefs that went against their own radical, leftist beliefs.

76. Nicholas Dirks, the former Chancellor of UC Berkeley, has called Milo Yiannopoulos “a troll and provocateur who uses odious behavior in part to ‘entertain,’ but also to deflect any serious engagement with ideas.”<sup>68</sup>

77. Even after Plaintiff Robles was violently assaulted at the Milo Yiannopolous event, the Individual Regents Defendants refused to provide a “proper time and venue” for conservative pundit Ann Coulter to speak at UC Berkeley.<sup>69</sup>

78. Ann Coulter stated on The Sean Hannity Show, “You cannot impose arbitrary and harassing restrictions on the exercise of a constitutional right....None of this has to do with security.”<sup>70</sup>

79. Indeed, the Individual Regents Defendants, on information and belief, cancelled Ann Coulter’s scheduled speech because they disagree with her politically conservative viewpoints, in furtherance of their pattern and practice of squashing free speech that they disagree with.

80. The Individual Regents Defendants disingenuously offered Ann Coulter a speaking time on May 2, during Dead Week, where there are no classes and students are studying for final exams.<sup>71</sup>

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<sup>68</sup> Patrick May, *UC Berkeley riot raises questions about free speech*, The Mercury News, February 2, 2017, available at: <http://www.mercurynews.com/2017/02/02/uc-berkeley-riot-raise-questions-about-free-speech/>.

<sup>69</sup> *UC Berkeley Students Threatened to Sue Over Ann Coulter Visit*, Fox News, Apr. 23, 2017, available at: <http://www.foxnews.com/us/2017/04/23/uc-berkeley-students-threaten-to-sue-over-ann-coulter-visit.html>

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

81. Here, the Individual Regents Defendants, acting in their individual capacities in furtherance of their own political and other beliefs, abused their authority under the color of state law and refused to provide police support—in concert with each and every named Defendant—to the pro-Milo Yiannopoulos students and invitees who were violently assaulted.

82. Furthermore, Defendant Berkeley was acting pursuant to its policy and custom of selectively providing police support and withholding police support to conservative events, rallies, and protests.

83. As evidence of this, Berkeley provided “500 officers” for a protest against President Trump in August of 2017.<sup>72</sup>

84. Thus, each and every Defendant worked in concert, jointly and severally, to organize and cultivate the riots and violent assaults that led to Plaintiff Robles injuries. The Individual Regents Defendants worked in concert with the BPD and UCPD to withhold police support to the attendees of the Milo Yiannopoulos who were brutally attacked by ANTIFA members and violent protestors, including, but not limited to, Miller and Mirabdal, and Does 1-20.

**FIRST CAUSE OF ACTION**  
**VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 –**  
**VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION:**  
**FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY**  
*Against Defendants Individual Regents Defendants, Berkeley, University of California Police Department, Berkeley Police Department, and John Does 1-10*

85. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

86. Defendants, in concert with each and every named Defendant, jointly and severally, while acting under the color of state law, deprived Plaintiff Robles of her right to freely exercise her freedom of speech and freedom of assembly, rights protected by federal law and the First Amendment to the U.S. Constitution.

<sup>72</sup> James Queally, et al, *Violence by far-left protesters in Berkeley sparks alarm*, LA Times, Aug. 28, 2017, available at <http://www.latimes.com/local/lanow/la-me-ln-berkeley-protests-20170827-story.html>

1           87. Defendants' actions and inactions were intentional and were designed to prevent  
2 individuals, including Plaintiff Robles, from freely expressing their political views and their  
3 freedom of assembly, based on their pro-President Trump political beliefs and their support of  
4 Milo Yiannopoulos.

5           88. Defendants had the resources and manpower available to provide a safe venue for  
6 pro-President Trump/pro-Milo Yiannopoulos attendees during the Milo Yiannopoulos speech. UC  
7 Berkeley, under the leadership of The Regents, has hosted countless politically-charged rallies and  
8 protests in the past, and provided effective police presence at said rallies and protests without  
9 incident.

10           89. Defendants—in concert with each and every named Defendant, jointly and  
11 severally—willfully withheld police officers to protect pro-President Trump/pro-Milo  
12 Yiannopoulos attendees at an event which it knew was to most likely become hostile and violent,  
13 because these pro-President Trump/pro-Milo Yiannopoulos attendees represented political beliefs  
14 that went against the popular sentiment of Defendants and most UC Berkeley's administration and  
15 students.

16           90. Members of ANTIFA rioted and violently assaulted attendees of the Milo  
17 Yiannopoulos event, including Plaintiff Robles, to prevent Plaintiff Robles and others present from  
18 peacefully assembling and supporting Milo Yiannopoulos.

19           91. Defendants' actions, as described above, have interfered with Plaintiff Robles' free  
20 exercise of speech, in violation of the United States Constitution, in that Defendants' refusal to  
21 adequately secure and monitor a known hostile campus environment for pro-President Trump/pro-  
22 Milo Yiannopoulos attendees prohibits Plaintiff Robles from the free exercise of her speech and  
23 political beliefs.

24           92. As a direct and proximate cause of Defendants' actions— each and every one of  
25 them, jointly and severally acting in concert, caused Plaintiff Robles to suffer physical injuries and  
26 emotional distress, accompanied by various physical symptoms, including, but not limited to,  
27 sleeplessness, nervousness, and extreme anxiety.  
28

**SECOND CAUSE OF ACTION**  
**VIOLATION OF FEDERALLY PROTECTED RIGHT UNDER 42 U.S.C. §1983 –**  
**EQUAL PROTECTION**  
*Against Defendants the Individual Regents Defendants,, Berkeley, University of California*  
*Police Department, Berkeley Police Department, and John Does 1-10*

93. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

94. Plaintiff Robles is a gay woman, a member of an identifiable class for equal protection purposes.

95. Defendants, each and every one of them, acting in concert, jointly and severally, while acting under the color of state law, intentionally discriminated against Plaintiff Robles on the basis of her sexual orientation and gender by withholding police protection at the Milo Yiannopolous event, that they, at a minimum, reasonably foresaw would erupt in violence.

96. Defendants chose to withhold police protection at the Milo Yiannopolous event because Milo Yiannopolous and a large number of his supporters, including Plaintiff Robles, are gay and female.

97. Defendants failed to enforce UC Berkeley's anti-discrimination policies to prevent physical and emotional harm to Plaintiff Robles. Defendants' actions and inactions were intentional and placed Plaintiff Robles in physical danger.

98. Defendants had the resources and manpower available to provide a safe venue for pro-President Trump/pro-Milo Yiannopoulos attendees during the Milo Yiannopoulos speech.

99. UC Berkeley, under the leadership of The Regents, has hosted countless politically-charged rallies and protests in the past, and provided effective police presence at said rallies and protests without incident.

100. Defendants chose not to utilize their police officers to protect Plaintiff Robles at an event which they knew was to most likely become hostile and violent, because Milo Yiannopoulos and many of his supporters, including Plaintiff, are gay.

101. As a direct and proximate cause of Defendants' actions, each and every one of them, acting in concert, jointly and severally, Plaintiff Robles suffered physical injuries and

emotional distress, accompanied by various physical symptoms, including, but not limited to, sleeplessness, nervousness, and extreme anxiety.

**THIRD CAUSE OF ACTION**  
**NEGLIGENCE**

*Against the Individual Regents Defendants*

102. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

103. The Individual Regents Defendants owed a duty of care to Plaintiff Robles – a UC Berkeley invitee – to provide a safe place to assemble and exercise her First Amendment rights.

104. The Individual Regents Defendants reasonably foresaw that violence was likely to erupt at the Milo Yiannopoulos event based on the current political climate, UC Berkeley's history of violent protests, and other violent protests at similar events.

105. The Individual Regents Defendants, acting in their individual capacities, breached their duty of care to Plaintiff Robles by withholding effective police protection for Plaintiff Robles and other attendees of UC Berkeley's event.

106. The Individual Regents Defendants breached their duty of care to Plaintiff Robles by ordering, in their individual capacities, campus police in the vicinity of the attacks not to intervene and defend Plaintiff and other attendees that were being attacked.

107. The Individual Regents Defendants' negligence in ordering campus police not to intervene and defend Plaintiff Robles was a substantial factor and proximate cause of Plaintiff Robles' mental and physical injuries incurred from violent protestors beating her with flag poles and flashlights and spraying pepper spray and bear mace in her face.

**FOURTH CAUSE OF ACTION**  
**GROSS NEGLIGENCE**

*Against The Individual Regents Defendants*

108. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

109. The Individual Regents Defendants owed a duty of care to Plaintiff Robles – a UC Berkeley invitee – to provide a safe place to assemble and exercise her First Amendment rights.

110. The Individual Regents Defendants reasonably foresaw that violence was likely to erupt at the Milo Yiannopoulos event based on the current political climate, UC Berkeley's history of violent protests, and other violent protests at similar events.

111. The Individual Regents Defendants breached their duty of care to Plaintiff Robles by consciously and maliciously withholding, in their individual capacities, effective police protection for Plaintiff Robles and other attendees of UC Berkeley's event.

112. The Individual Regents Defendants breached their duty of care to Plaintiff Robles by consciously and maliciously ordering, in their individual capacities, campus police in the vicinity of the attacks not to intervene and defend Plaintiff Robles and other attendees that were being attacked.

113. The Individual Regents Defendants' gross negligence in consciously and maliciously ordering campus police not to intervene and defend Plaintiff Robles was a substantial factor and proximate cause of Plaintiff Robles's mental and physical injuries incurred from violent protestors beating her with flag poles and flashlights and spraying pepper spray and bear mace in her face.

**FIFTH CAUSE OF ACTION**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
*Against the Individual Regents Defendants, University of California Police Department,*  
*Berkeley Police Department*

114. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.



115. Defendants' intentional decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, based on the pro-President Trump/pro-Milo Yiannopoulos supporters' political beliefs, was the result of intentional, extreme, and outrageous conduct that exceeded all reasonable bounds of decency.

116. Defendants intended to inflict severe emotional distress and mental anguish on Plaintiff Robles with their decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, even though UCPD and BPD witnessed firsthand rioters attacking Milo Yiannopoulos supporters.

117. Plaintiff Robles suffered severe emotional distress directly and proximately caused by Defendants' intentional decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event, and Defendants' intentional decision to withhold proper protection for pro-President Trump/pro-Milo Yiannopoulos supporters during the Milo Yiannopoulos event was a substantial factor in causing Plaintiff Robles' emotional distress.

## **SIXTH CAUSE OF ACTION** **ASSAULT**

***Against Defendants Ian Dabney Miller, Raha Mirabdal, ANTIFA, and John Does 1-20***

118. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

119. The ANTIFA Defendants, acting in concert, jointly and severally, placed Plaintiff Robles in apprehension of an imminent harmful or offensive contact by, among other things, aggressively shining a flashlight directly into her eyes so as to blind her after surrounding her in a combative manner.

120. The ANTIFA Defendants, acting in concert, jointly and severally, placed Plaintiff Robles in apprehension of an imminent harmful or offensive contact by, among other things, threatening to beat her with flagpoles.

121. The ANTIFA Defendants organized, plotted, planned, and executed the violent shutdown of the Milo Yiannopoulos event. Members of ANTIFA, including Defendants Miller and Mirabdal rioted at the Milo Yiannopolous event and viciously attacked attendees, including Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as Plaintiff Kiara Robles'. On information and belief, ANTIFA acted under the direction of, and in concert with, each and every named Defendant jointly and severally.

122. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for each others' actions, as they were all performed in concert, and as part of their conspiracy to violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray and bear mace, flag poles, signs, and flashlights.

123. Plaintiff Robles was indeed beaten with flagpoles and sprayed with pepper spray and bear mace

124. Plaintiff Robles did not consent to the ANTIFA Defendants' conduct described in the foregoing paragraphs.

125. As a direct and proximate result of the ANTIFA Defendants' wrongful conduct, Plaintiff Robles suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, and other mental and physical injuries.

## **SEVENTH CAUSE OF ACTION** **BATTERY**

***Against Defendants Ian Dabney Miller, Raha Mirabdal, ANTIFA, and John Does 1-20***

126. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

127. Plaintiff Robles suffered harmful, offensive bodily contact from the ANTIFA Defendants' actions of beating Plaintiff's face and body with flag poles and flashlights and spraying her with pepper spray and bear mace, from which Plaintiff sustained significant injuries

128. ANTIFA receives funds from umbrella companies and subsidiaries of Soros' Open Society Foundation, a network of foundations, partners, and projects that funds Soros' political interests.

129. The ANTIFA Defendants beat Plaintiff Robles' face and body with flag poles and flashlights and sprayed her with pepper spray and bear mace with the intent to harm and injure her.

130. Plaintiff Robles did not consent to the ANTIFA Defendants' attacks with pepper spray, bear mace, flag poles, and flashlight on her face and body, and she was harmed and injured by Defendant's attacks.

131. The ANTIFA Defendants organized, plotted, planned, and executed the violent shutdown of the Milo Yiannopoulos event. Members of ANTIFA, including Defendants Miller and Mirabdal rioted at the Milo Yiannopolous event and viciously attacked attendees, including Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as Plaintiff Kiara Robles'. On information and belief, ANTIFA acted under the direction of, and in concert with, each and every named Defendant jointly and severally.

132. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for each others' actions, as they were all performed in concert, and as part of their conspiracy to violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray and bear mace, flag poles, signs, and flashlights.

133. As a direct and proximate result of the wrongful attacks on Plaintiff Robles, by the ANTIFA Defendants, Plaintiff suffered conscious pain, suffering, severe emotional distress and the fear of imminent, serious bodily injury or death, and other mental and physical injuries.

### **EIGHTH CAUSE OF ACTION**

#### ***Violation of State Protected Right Under Cal. Civ. Code § 52.1 – Bane Act Against All Defendants***

134. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

135. Defendants, each and every one of them, acting in concert, jointly and severally, intentionally interfered with Plaintiff Robles' constitutionally protected right to freedom of speech and freedom of assembly by threatening and committing violent acts.

136. Plaintiff Robles reasonably believed that if she exercised her rights to freedom of speech and freedom of assembly, Defendants, each and every one of them, acting in concert, jointly and severally, would commit violence against her.

137. Defendants, each and every one of them, acting in concert, jointly and severally, injured Plaintiff Robles to prevent her from exercising her rights to freedom of speech and freedom of assembly and/or retaliate against Plaintiff Robles for having exercised her rights to freedom of speech and freedom of assembly.

138. The ANTIFA Defendants organized, plotted, planned, and executed the violent shutdown of the Milo Yiannopoulos event. Members of ANTIFA, including Defendants Miller and Mirabdal rioted at the Milo Yiannopolous event and viciously attacked attendees, including Plaintiff Robles, because of their political beliefs, sex, and sexual preference, such as Plaintiff Kiara Robles'. On information and belief, ANTIFA acted under the direction of, and in concert with, each and every named Defendant jointly and severally.

139. Thus, each of the ANTIFA Defendants are equally, jointly, and severally liable for each others' actions, as they were all performed in concert, and as part of their conspiracy to violently shut down the Yiannopolous event using, among other dangerous objects, pepper spray and bear mace, flag poles, signs, and flashlights.

140. Defendants, each and every one of them, acting in concert, jointly and severally, threatened and committed violent acts against Plaintiff Robles because of Plaintiff Robles' political affiliation, sexual orientation, and gender.

141. Plaintiff Robles was harmed, and Defendants, each and every one of them, acting in concert, jointly and severally, were a substantial factor in causing Plaintiff Robles' harm.

**NINTH CAUSE OF ACTION**

***Violation of State Protected Right Under Cal. Civ. Code § 51.7 – Ralph Act  
Against Defendant ANTIFA***

142. Plaintiff Robles repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including, but not limited to, the Introduction, with the same force and effect, as if fully set forth herein again at length.

143. ANTIFA threatened, encouraged violence, and committed violent acts against Plaintiff Robles.

144. ANTIFA subjected Plaintiff Robles to bodily harm, namely beating her face and body with flag poles and flashlights and spraying her with pepper spray and bear mace, and threats of violence based on her political affiliation.

145. Plaintiff Robles was harmed and ANTIFA's conduct was a substantial factor in causing Plaintiff Robles' harm.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Robles prays for relief and judgment against Defendants, jointly and severally, as follows:

- (a) For general (non-economic), special (economic), actual and compensatory damages in excess of \$3,000,000;
- (b) For punitive damages in excess of \$20,000,000;
- (c) For equitable, declaratory, and injunctive relief as the Court deems proper; and
- (d) For such other relief as the court may deem just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all counts, as to all issues so triable.

DATED: June 25, 2018

Respectfully submitted,

Larry Klayman, Esq.  
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 Tel: (561) 558-5336  
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/s/ Michael D. Kolodzi

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